HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ.
& HON'BLE SHRI D.R. DESHMUKH, J.

Misc. Appeal NO. 1436 OF 2005

APPLICANT CLAIMANT		Smt. Mithila Bai, W/o Gaiduram Sinha, Aged about 28 years, Occupation – Labourer, Resident of Village Navagarh Darripara, District Durg (C.G.)
	Vs.	
RESPONDENTS NON-APPLICANTS	1.	Mahesh Kumar Jaiswal, S/o Badri Prasad Jaiswal, Vehicle Driver, R/o Village Baba Mohtra, Police Station Bemetra, District Durg (C.G.)
	2.	Punitram Jaiswal, Son of Bakhariya Ram Jaiswal, Vehicle Owner, R/o. Navagarh Mandir Ward, Balarpara, Tahsil Navagarh, P.S. Bemetara, District Durg (C.G.)
	3.	The National Insurance Company Limited, Through Branch Manager, Branch Office at Kamthiline, Rajnandgaon (C.G.)

Present: Mr.Abhishek Sharma, learned counsel for the appellant.

ORAL ORDER

(Passed on 18th January, 2006)

The following oral order of the Court was passed by

S.R. Nayak, CJ.

In this appeal more compensation is sought. It was contended that the appellant-insured has sustained 45% permanent disability of pelvic bone. Admittedly, the doctor who treated the appellant was not examined in this case. In the absence of acceptable medical evidence to show that the appellant, as a matter of fact, had sustained 45% permanent disability of pelvic bone, awarding compensation towards loss of future income would not arise. The medical certificate itself is not a piece of evidence.

The author of the medical certificate is not examined and therefore, no credence could be attached to the medical certificate. In that view of the matter, we cannot take exception to the award impugned in this appeal. The appeal is, therefore, dismissed. No costs.

Sd/-
CHIEF JUSTICE

Sd/-
Dilip Raosaheb Deshmukh
Judge